

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-99
Table of Allotments,) RM-9283
FM Broadcast Stations.) RM-9695
(Shoshoni and Dubois , Wyoming)¹)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 26, 2000

Released: August 4, 2000

By the Chief, Allocations Branch:

1. The Commission has before it the Notice of Proposed Rule Making, 13 FCC Rcd 12180 (1998) ("Notice"), issued in response to a petition for rule making filed by Windy Valley Broadcasting ("Petitioner") proposing the allotment of Channel 290C at Shoshoni, Wyoming, as the community's first local aural transmission service. Petitioner filed supporting comments in response to the Notice. Mount Rushmore Broadcasting, Inc. ("Mount Rushmore") filed "Comments and Counterproposal"² in which it proposed the allotment of Channel 290A to Shoshoni, Wyoming and also to Dubois, Wyoming, which would provide a first local service for each community.

2. Both Petitioner and Mount Rushmore claim that the community of Shoshoni is entitled to an allotment. Shoshoni is an incorporated community with a population of 497 persons.³ It has its own post office and zip code. Mount Rushmore asserts that Shoshoni also has its own mayor and town council, a chamber of commerce, a volunteer fire department, one school, a public library, several businesses and social and civic organizations, and three churches. Dubois is an incorporated community with a population of 895 persons. Mount Rushmore states that Dubois is governed by an elected mayor and town council and has its own post office, zip code, and volunteer fire department as well as a chamber of commerce, two schools, a library, six churches, 10 restaurants, and several motels, gas stations, clothing stores and social and civic organizations. We find that both Shoshoni and Dubois are "communities" entitled to FM allotments pursuant to Section 307(b)

¹ The community of Dubois is added to the caption.

² In this pleading, Mount Rushmore also includes a proposal that the Commission institute a notice of inquiry to determine whether the current FM allotment policy continues to meet the Commission's obligation under Section 307(b) of the Communications Act of 1934, as amended, and whether the policy has been detrimental to the enhancement of minority ownership of FM broadcast stations. Such a proposal can not be considered in the context of this rule making proceeding. Further, any such proposal should be filed as a separate pleading. See Section 1.44 of the Commission's Rules.

³ All population data are based on the 1990 U.S. Census.

of the Communications Act of 1934, as amended.

3. A staff engineering analysis of these communities shows that Channels 290C and 244A are available for allotment at Shoshoni, Wyoming, and that Channel 231A is available for allotment at Dubois, Wyoming. Therefore, since interest has been expressed in channels at these communities, we will allot these three channels and avoid any comparison of the proposals.

4. Channels 290C and 244A can be allotted to Shoshoni⁴ and Channel 231A can be allotted to Dubois⁵ consistent with the minimum distance separations requirements of Section 73.207(a) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 18, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Shoshoni, Wyoming	290C, 244A
Dubois, Wyoming	231A

6. Filing windows for Channels 290C and 244A at Shoshoni, Wyoming, and Channel 231A at Dubois, Wyoming, will not be opened at this time. Instead, the issue of opening filing windows for these channels will be addressed by the Commission in a subsequent Order.

7. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

⁴ The coordinates for Channels 290C and 244A at Shoshoni are 43-14-06 abd 108-06-36.

⁵ The coordinates for Channel 231A at Dubois are 43-32-36 and 109-37-48.

8. For further information concerning the above, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, Mass media Bureau, (202), 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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